

REMARKS

The application has been amended and is believed to be in condition for allowance. The amendment is filed as part of a Request for Reconsideration (RCE), which is in turn filed as part of a Petition to Revive.

Claims 12, 17, 19, 22-27, 29, 31-33 remain in this application. Claims 15-16, 18, and 28 are canceled without prejudice.

Claims 12, 17, 19, 22-27, 29, 31-33 are amended; the amendments find support in the specification and the drawing figures as originally filed, and do not introduce new matter.

The Official Action objected to the claims, stating that claims 17-18 and 28 are contradictory to claims 21 and 24 from which they depend, respectively.

In reply, claims 18 and 28 are canceled and claim 17 amended in a manner responsive to the Official Action's objection. Withdrawal of the objection is respectfully solicited.

The Official Action rejected claims 12, 15-16, 19, 22-27, and 31-33 under 35 USC 103(a) as being unpatentable over Ambrose (4,852,177; "AMBROSE") in view of Levin (6,144,750; "LEVIN").

The Official Action rejected claims 17, 18, 28 and 29 under 35 USC 103(a) as being unpatentable over AMBROSE and LEVIN, and further in view of Juneau et al. (6,228,020; "JUNEAU").

In reply, it is firstly noted that independent claims 12, 23 and 24 are amended.

It is respectfully submitted that none of AMBROSE, LEVIN, or JUNEAU teach or suggest a hearing aid having a dedicated part configured to fit in the auditory canal facing an eardrum of one of a left ear and a right ear, and a standard part configured to connect to said dedicated part regardless of whether said dedicated part is configured to be fitted in the auditory canal of the left ear or the right ear, as required by amended claim 12..

On the contrary, none of the references AMBROSE, LEVIN, or JUNEAU teach or suggest a dedicated part fitted to an auditory canal of one of a left ear and a right ear, and a standard part configured to connect to said dedicated part regardless of whether said dedicated part is configured for the right ear or the left ear.

It is therefore respectfully submitted that claim 12 is patentable over AMBROSE, LEVIN, or JUNEAU.

It is also respectfully submitted that independent claims 23 and 24 are patentable over AMBROSE, LEVIN, or JUNEAU for at least the same reasons set forth above as to claim 12.

It is further respectfully submitted that claims depending from independent claims 12, 23 and 24 are patentable at least for depending from patentable claims. For example it is respectfully submitted that none of AMBROSE, LEVIN, or JUNEAU

teach or suggest that the elements on the outer end face include a switch and an adjusting facility, the microphone sound aperture located directly between the switch and the adjusting facility, as required by claim 29.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that applicant has fully responded to the February 20, 2008 Official Action and that the claims as presented are patentable. In view of this, applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicant at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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